Listing of Claims:

1.   (*previously presented*) A startup code, embodied in a computer-readable medium, for protecting a shelled computer program, comprising: a sequence of tasks collectively executing the startup code; and

wherein at least one task is selectably performed by a selected one of a plurality of task code variations as selected by a selection code associated with the at least one task.

2.   (*previously presented*) The startup code of claim 1, wherein the selected one of the plurality task code variations is pseudorandomly selected.

3.   (*previously presented*) The startup code of claim 1, wherein the selected one of the plurality of task code variations are selected based on a function of time.

4.   (*previously presented*) The startup code of claim 1, wherein the selected one of the plurality of task code variations is selected based on a function of one or more parameters describing a computer executing the startup code.

5.   (*previously presented*) The startup code of claim 4, wherein the one or more parameters includes a computer fingerprint.

6.   (*previously presented*) The startup code of claim 1, wherein a second task of the sequence of tasks is selectably performed by a selected one of a plurality of second task code variations as selected by a second selection code associated with second task.

7.   (*previously presented*) The startup code of claim 1, wherein a second task of the sequence of tasks is selectably performed by a selected one of a plurality of second task code variations as selected by a second selection code associated with the selected one of the plurality of second task code variations.

8.   (*previously presented*) The startup code of claim 7, wherein the selected one of the plurality of second task code variations is pseudorandomly selected.

9.   (*previously presented*) The startup code of claim 7, wherein the selected one of the plurality of second task code variations is selected based on a function of time.

10.   (*previously presented*) The startup code of claim 7, wherein the selected one of the plurality of second task code variations is selected based on a function of one or more parameters describing a computer executing the startup code.

11.   (*previously presented*) The startup code of claim 10, wherein the one or more parameters includes a computer fingerprint.

12.   (*previously presented*) A startup code, embodied in a computer-readable medium, for protecting a shelled computer program, comprising: a plurality N of startup code tasks T_1, T_2, ... T_N to be performed to execute the startup code;

a plurality K of startup task code variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ for at least one T_i of the plurality startup code tasks T_1, T_2, ... T_N; and

a selection routine S_i for the at least one T_i of the plurality of startup code tasks T_1, T_2,... T_N, the selection routine S_i for selecting at least one $T_{i,j}$ of the K plurality of code variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ from among the plurality of code variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$

13.   (*previously presented*) The startup code of claim 12, wherein the startup code tasks are to be performed in series.

14.   (*previously presented*) The startup code of claim 12, wherein the selection routine pseudorandomly selects the one of the plurality of code variations from among the plurality of code variations.

15.   (*previously presented*) The startup code of claim 12, wherein the selection routine selects one of the plurality of code variations from among the plurality of code variations according to a function of time.

16. (*previously presented*) The startup code of claim 12, wherein the selection routine selects one of the plurality of code variations from among the plurality of code variations according to a function of one or more parameters describing a computer executing the startup code.

17. (*previously presented*) The startup code of claim 16, wherein the one or more parameters includes a computer fingerprint.

18. (*previously presented*) The startup code of claim 12, further comprising:

a plurality K of second selection routines $S_{i+1,1}$, $S_{i+1,2}$ ... $S_{i+1,K}$ each second selection routine $S_{i+1,1}$, $S_{i+1,2}$, ... $S_{i+1, K}$ associated with and executed after one of the plurality of startup code variations $T_{i,K}$, and each second selection routine $S_{i+1,1}$, $S_{i+1,2}$, ... $S_{i+1, K}$ for selecting at least one of a plurality of L second startup code variations $T_{i+1, 1}$, $T_{i+1, 2}$, ... , $T_{i+1, L}$, for a second startup code task T_{i+1} of the plurality of startup code tasks T_1, T_2, ... ,T_N.

19. (*previously presented*) The startup code of claim 18, wherein each of the plurality of second selection routines pseudorandomly selects the one of the plurality of second startup code variations from among the plurality of second startup code variations.

20. (*previously presented*) The startup code of claim 18, wherein each of the plurality of second selection routines selects one of the plurality of second startup code variations from among the plurality of second startup code variations according to a function of time.

21. (*previously presented*) The startup code of claim 18, wherein each of the plurality of second selection routines selects one of the plurality of second startup code variations from among the plurality of second startup code variations according to a function of one or more parameters describing a computer executing the startup code.

22. (*previously presented*) The startup code of claim 21, wherein the one or more parameters includes a computer fingerprint.

23. (*currently amended*) A method of generating a secure startup code for use in generating a shelled application program, comprising the steps of:

generating a plurality N of startup task routines T_1, T_2, ... ,T_N collectively forming the startup code;

generating a plurality K of startup task routine variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ for a chosen startup task routine T_i of the startup task routines T_1, T_2, ... ,T_N;

generating a selection routine S_i for the chosen startup task routine T_i of the startup task routines T_1, T_2, ... ,T_N, each selection routine S_i for selecting at least one of the startup task code variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ to perform the chosen startup task routine T_i; and

assembling the secure startup code <u>in a computer-readable medium</u> as a combination of the plurality of task routines T_1, T_2, ... ,T_N for the unchosen ones of the plurality of task routines, and the selection routine S_i and plurality of task routine variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ for each of the chosen task routine T_i of the plurality task routines T_1, T_2, ... T_N.

24.   (*previously presented*) The method of claim 23, further comprising the step of separating the startup code into a series of task routines T_1, T_2, ... T_N.

25.   (*previously presented*) The method of claim 23, wherein the selection routine Si pseudorandomly selects the one of the plurality of startup task routine variations $T_{i,1}$, $T_{i,2}$, .. , $T_{i,K}$

26.   (*previously presented*) The method of claim 23, wherein the selection routine S_i selects the one of the plurality of startup routine variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ as a function of time.

27.   (*previously presented*) The method of claim 23, wherein the selection routine S_i selects the one of the plurality of startup routine variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,K}$ as a function of one or more parameters describing a computer executing the startup code.

28.   (*previously presented*) The method of claim 27, wherein the one or more parameters includes a computer fingerprint.

29.   (*previously presented*) The method of claim 23, wherein:

the method further comprises the steps of generating a plurality K second selection routines, each second selection routine $S_{i+1,1}$, $S_{i+1,2}$, :, ... $S_{i+1,K}$ associated with and executed after one of the plurality of startup code variations $T_{i,K}$, and each second selection routine $S_{i+1,1}$, $S_{i+1,2}$, ... $S_{i+1,K}$ for selecting at least one of a plurality of L second startup code variations $T_{i+1,1}$, $T_{i+1,2}$, ... , $T_{i+1,L}$ for a second startup task routine T_{i+1} of the plurality of startup task routines T_1, T_2, ... ,T_N; and

the secure startup code is assembled as a combination of the plurality of task routines for the unchosen ones of the plurality of task routines T_1, T_2, ... T_N, the selection routine S_i and plurality of task routine variations $T_{i,1}$, $T_{i,2}$, ... , $T_{i,L}$ for each of the chosen ones of the task routines T_1, T_2, ... T_N, and the second selection routines $S_{i+1,1}$, $S_{i+1,2}$, ... $S_{i+1,K}$, and second startup code variations $T_{i+1,1}$, $T_{i+1,2}$, ... , $T_{i+1,L}$.

30.   (*previously presented*) A method of executing a secure startup code comprising the steps of: selecting a startup task code variation from among a plurality of startup task code variations, each startup code task variation performing a startup code task differently than the other startup code task variations, the startup code task belonging to a sequence of startup code tasks collectively performing the startup code; and

executing the selected stamp task code variation.

31.   (*previously presented*) The method of claim 30, wherein the startup task code variation is pseudorandomly selected.

32.   (*previously presented*) The method of claim 30, wherein the startup task code variation is selected based on a function of time.

33.   (*previously presented*) The method of claim 30, wherein the startup task code is selected as a function of one or more parameters describing a computer executing the startup code.

34.   (*previously presented*) The method of claim 33, wherein the one or more parameters includes a computer fingerprint.

35.   (*previously presented*) The method of claim 30 above, further comprising the steps of: selecting a second startup task code variation from among a plurality of second startup task code variations, each second startup code task variation performing a second startup code task differently than the other second startup code task variations, the second startup code task belonging to the sequence of startup code tasks collectively performing the startup code; and

executing the selected second startup task code variation.

36. (*previously presented*) The method of claim 35, wherein the step of selecting the second startup task code variation is performed by executing a selection routine associated each of the startup code task variations and the second startup code task variations.

37. (*previously presented*) The method of claim 35, wherein the step of selecting the second startup task code variation is performed by executing a selection routine associated with the selected startup task code variation and the second startup task code variations.

REMARKS

Claims 1-37 are pending in the present application. Claims 1, 12, 23, and 30 are independent claims. The Applicant has carefully and thoughtfully considered the Office Action and the comments therein. For the reasons given below, it is submitted that this application is in condition for allowance.

Pursuant to 37 CFR 1.116 claim 23 has been amended to conform to a requirement of form expressly set forth in the Office Action mailed March 16, 2007.

Claim Rejections under 35 U.S.C. § 101

Claims 23-29 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action further states that the language of claims 23-29 would be statutory if amended to recite that the startup code is embodied in a computer readable medium.

Claim 23 has been amended to include "in a computer-readable medium". Thus Applicants respectfully request that the amended independent claim 23 be allowed.

Claims 24-29 are allowable, at least, for depending from an allowable claim.

Conclusion

For the reasons set forth above, it is respectfully submitted that the reexamination application is on condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.
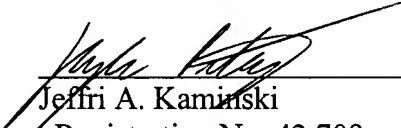
If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Respectfully submitted,

Dated: 5/16/07

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